



General Assembly

January Session, 2011

**Amendment**

LCO No. 7959

**\*HB0663907959HDO\***

Offered by:  
REP. FOX, 146<sup>th</sup> Dist.

To: Subst. House Bill No. 6639

File No. 683

Cal. No. 419

**"AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 54-56e of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2011*):

6 (b) The court may, in its discretion, invoke such program on motion  
7 of the defendant or on motion of a state's attorney or prosecuting  
8 attorney with respect to a defendant (1) who, the court believes, will  
9 probably not offend in the future, (2) who has no previous record of  
10 conviction of a crime or of a violation of section 14-196, subsection (c)  
11 of section 14-215, section 14-222a, subsection (a) of section 14-224 or  
12 section 14-227a, [(3) who has not been adjudged a youthful offender  
13 within the preceding five years under the provisions of sections 54-76b  
14 to 54-76n, inclusive,] and [(4)] (3) who states under oath, in open court  
15 or before any person designated by the clerk and duly authorized to

16 administer oaths, under the penalties of perjury that the defendant has  
17 never had such program invoked in the defendant's behalf, provided  
18 the defendant shall agree thereto and provided notice has been given  
19 by the defendant, on a form approved by rule of court, to the victim or  
20 victims of such crime or motor vehicle violation, if any, by registered  
21 or certified mail and such victim or victims have an opportunity to be  
22 heard thereon. [In determining whether to grant an application under  
23 this section with respect to a person who has been adjudged a youthful  
24 offender under the provisions of sections 54-76b to 54-76n, inclusive,  
25 more than five years prior to the date of such application, and  
26 notwithstanding the provisions of section 54-76l, the court shall have  
27 access to the youthful offender records of such person and may  
28 consider the nature and circumstances of the crime with which such  
29 person was charged as a youth.] Any defendant who makes  
30 application for participation in such program shall pay to the court an  
31 application fee of thirty-five dollars."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	54-56e(b)
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